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International Court of Justice

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COMM A
Take 3 page 1
Gallagher
5 July 1946
1400 - 1530
DR. GUNTHER REINICKE

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 of THE ORDER OF THE TRIBUNAL DATED 13 March 1946.

5 July 1946.

COMMISSIONER:

MR. I. D. McILWRAITH.

THE S. S.

(The Comission convened at 1400 hours)

DR. GUNTHER REINICKE, a witness, took the stand and testified as follows:

MR. McILWRAITH: Before we start with the testimony, I have an order I would like to read, an Order on Affidavits.

"The Tribunal orders that:

1. All affidavits or interrogatories from witnesses for accused organizations will be examined by the Commissioners before their submission to the Tribunal.

2. The following procedure will be adopted by the Commissioners in examining such affidavits or interrogatories:

(a) Counsel for the Defense will read a summary of the affidavit, or group of affidavits, or interrogatory to the Commissioners in the presence of the Prosecution.

(b) The Prosecution shall be entitled to comment on or object to the evidence.

(c) If the Commissioners decide that the affidavit or interrogatory is relevant in accordance with Paragraph 6 of the order of March the 13th, they shall register the original document with the General Secretary's office.

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(d) They shall submit the transcript of the proceedings before the Commission, including the summary of the affidavit or interrogatory to the Tribunal. In exceptional cases they shall make provision for the translation and circulation of the complete document.

(e) Both the Commissions will remain in session for this purpose until further notice.

3. The Tribunal understand that many thousands of collective affidavits have been sent to Defense Counsel by members of accused Organizations interned in camps. Counsel should make arrangements to have these summarized by their own staffs, or by members of the Organizations with legal qualifications. When summarized the original affidavits should be filed with the General Secretary's Office, and summaries certified by Defense Counsel submitted to the Commissioners. The Commissioners shall examine these summaries and submit them to the Tribunal."

Q Now will you stand up and repeat after me the oath, witness. I swear ~~to~~ by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

Q What is your full name?

A Dr. Günther Reinicke

MR. McILWRAITH: Dr Pelckmann, what do you want to prove by this witness.

DR. PELCKMANN: This witness is supposed to testify concerning the question of organizations, and the activities of the SS legal organization ~~with~~ in relation to the arrangement of all crimes committed. Further that knowledge of crimes that had been committed was ~~only~~ not discovered

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until the years of 1943 and 1944 from the SS and the Jurisprudence System, and supposed to prove that contrary to the indictment of the prosecution the SS was not used for criminal purposes, with intent to commit criminal acts for a Party and the nation,and that for such crimes the Party and the Government could not, or did not want to assume responsibility.

Q What was the rank that you held, witness?

A I was Oberfuehrer and Chief of Department I of the SS Jurisprudence Main Office, and at the same time I was director of the SS Superior Court.

Q Does your rank of Oberfuehrer correspond to a high rank within the martial jurisprudence in the Wehrmacht?

A The rank of Oberfuehrer SS is not from the viewpoint of a judge, but the activity corresponds to that of an oberst judge, to a superior judge in the Wehrmacht.

Q Where did you get your legal training?

A I concluded my legal training at the University of Munich in 1931, by taking my first legal State examination, that of Referendar - legal consultant. In 1933 I received my Doctor of Law degree at the University of Munich. In 1934 I passed my firstclass legal examination, receiving a cum laude that was given by the president of the court of Munich.

Q That means that you are qualified to hold the position of judge within the civilian administration?

A Yes.

Q Did the other SS judges have their own courts, or did they receive their legal training in the superior courts of SS together with the regulations?

A They had no independent training as SS judges; as such there were also no independent SS schedules that trained them for judges. These

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judges in the SS had to have the same qualifications that any judge within the civilian administration would have had to have. The SS judges before the war either were an attorney of the State, or they had high legal offices within the general jurisprudence, or, they had been transferred from the Wehrmacht.

Q Will you please depict the development of the jurispruduce within the SS?

A Up to the beginning of the war, it is not possible to speak of an SS own jurisprudence, as such, for the general SS was under the general penal jurisdiction. The SS saw to it that all elements that might be eligible for arrangement of legal actions be removed from the SS, or in milder cases that they be warned of any further such activities. This right of exclusion, and of warning its members is a right that is adherent to and belongs to any legally registered organization, and this right is one of general disciplinary law; this disciplinary penal law made up the entire jurisprudence of the SS before the outbreak of the war.

Q What was done within the scope of these disciplinary laws in the SS in order to cleanse the SS from doubtful elements?

A It was the principle of the SS that only men who had never committed any offense be allowed to be members of the SS. For this reason a registry entry of any criminal record was sent which was obtained from the office of the home town of the SS member. These excerpts taken from the files of the criminal defense record show whether any man had ever committed an offense or not. The offenders were then dismissed from the SS, and offenders were not allowed to be taken for membership if their registery proved that they had committed offenses. In 1934 an agreement was made between the SS corps as an idea of disciplinary accord with

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the Reichsministry of Justice to the effect that it was the counter duty of either organization to inform one another of any offenses or actions that come to their notice with the purpose of thus enabling the removal of all SS men who were offenders, or of placing those who were first offenders at the disposal of the general jurisprudence system. For this purpose there was the institution of the socalled liaison officer between the SS court and the Reichsministry of Justice, to assure that the agreement between the SS and the Reichsministry of Justice would be adhered to.

Q Would it be correct to say that in speaking of these conditions now, you mean the general SS?

A Along with the general SS referred to is the socalled civilian SS.

Q Is it correct that the Waffen SS was not created until 1940.

A Yes, that is correct.

Q And when and why was its own system of jurisprudence introduced within the SS?

A After the Polish campaign when the SS troops were used as troops as a group of its own for activity at the front, martial ~~corps~~ laws had to be placed for these troops, just as they were in existence for any of the other branches. The Wehrmacht was the main force of the Army, never the amount of the force, and its institution of martial ~~courts~~ laws was based on an order issued by the Reich defense counsel on 7 October 1939; therefore, it was founded on a legal basis.

Q In this regulation mention is made of a special jurisprudence of the SS. Does that mean, as maintained by the prosecution, that Himmler wanted to procure for the SS special advantages and special position sofar as penal actions were concerned?

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A No,for in the first place this was not an order of Himmler's. It was a law passed for the SS,and for apparent units employed at the front in special means,and was to apply to these groups as it did also to the remaining branches of the Wehrmacht. The term special jurisprudence in this sense means here only the terminus technicus,and means nothing more or less than itwas a special jurisprudence as seen,or distinguished from the general German jurisprudence,therefore, the jurisprudence of the Wehrmacht martial law would also be given its term of special jurisprudence.

Q For what circles of personswas the SS and the Police jurisprudence applicable?

A It was not competent sofar as the general SS was concerned, because the general SS did not represent an army troop part. It was, however, applicable to Waffen SS for which this jurisprudence had to be created,and moreover for police troops on special missions. In the course of the war when Germany properly became a front, Himmler delared that all German police forces would now fall under this goal in this special jurisprudence. For the same reasons, the Security Police and the SD were also under the jurisdiction of the SS and Police jurisprudence, because the SD was never on file or organized within the RSHA. The so-called adherence of "suite" of persons of the immediate SS leaders were also under the jurisdiction of the SS and Police jurisprudence.

Q You said just now that one of the reasons why the SD was under the SS and Police jurisdiction was that it was carried in the organization files ofthe RSHA. ~~Does that mean thus placed under the SS jurisdiction.~~ Does this mean by amalgamating the SD into theRSHA, that the

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SD was not a police organization,and, therefore, under the jurisdiction of Himmler who was in charge of the organization?

A That is correct insofar as the SD did not belong to the conception as police as a whole. I am sorry. Not to the conception as SS as a whole. The SD was further an organization of a special kind that did not have a distinct police characteristic as was organized within the RSHA. By placing the members of the RSHA under the jurisdiction of the SS,and then the jurisprudence of SD automatically fell in this category.

MR. ELWYN JONES: ~~Due to the fact that~~ the witness has testified to immaterial facts, I suggest the witness be required to testify to matters material to the issues.

MR. MCILWRAITH: I do feel that ~~from what~~ all this has been said, it would be advisable if ~~he~~ we could get ~~to~~ something more particularly concerning the issues ~~by~~ from this witness.

BY DR. PELCKMANN:

Q Who belonged to the entourage of all these persons being placed under the jurisprudence of the SS and Police law when becoming members of the SS?

A The conception of entourage has been legally designated, and means those persons who do assistant or auxiliary work to the SS and Police workers;by being members of the entourage they are in no way members of the SS.

Q Can you give examples?

A To this entourage the following categories may have belonged to the SS,front workers who did assistant work at the front,the SS auxiliary, German post office organization,and the SS girls who carried on a news and information service as was carried on in any other army of the world.

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Q Were there any female SS members at all?

A There never were any female SS members. They could only be members of the entourage.

Q Was the SS and Police jurisprudence also applicable to civilians?

A Any members, not. There were only a few exceptions that were based on the legal foundation,and that applied to the entire German Army. For example, if a civilian person had committed an offense against the Army, or against the SD and the Police, then he fell under its jurisprudence,and Iwould like to say here that the SS and the Police jurisprudence had nothing whatsoever to do with summary court jurisprudence, as had been introduced in the police ranks by the Governor General.

Q Do you remember any special regulation inNorway?

A In Norway there was a special regulation. The Reichskommisar for the occupied Norwegian territories had availed himself of the SS and Police judges,and used these in procedures against the civilian population,but that does not mean that the SS and Police court judges were a part of the Norwegian jurisprudence as such. It means that the Reichskommisar was the supreme law lord,of the supreme judicial ruler,and also as the one inNorway who had the right to grant pardons,and had merely within the scope of his rights borrowed these duties for his work .

Q Was the jurisprudence of the SS organized differently from that of the Wehrmacht?

A No,the organization was the same as that of the Wehrmacht. The main distinction between the civilian penal jurisprudence, as well as the martial law jurisprudence was that theydid not have any investigation groups of their own,but were authorities for investigation, that is, no

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penal precedent rights.

Q In order to be quite clear and that I understand you correctly, when you say that is like the Wehrmacht, that is, they had no penal investigation rights of its own, the SS had no penal investigation rights of its own?

A Yes, that is correct. The penal investigation procedure is acted in the Wehrmacht by certain legal officers stationed with the troops, and that was also true of the SS.

Q Will you please tell us very briefly how many courts there were, and how were these courts rated. Was there a supreme court, and what was the penal action taken?

A There were about seventy-five SS and Police courts in all. They produced a court for special use only, and at the head of these the higher supreme court was equivalent to the supreme court of the Reich, corresponding to the Reichskreiggericht, a Reich superior martial court, and so that from this there was the main office SS court that saw to the administration of the entire jurisprudence of the SS and Police organizations, and had its own penal procedure measures. These courts had no relationship at all to any Party offices, or any of the affiliated organizations of the Party. It had its own independent jurisprudence.

Q Were the judges bound to follow any orders in pronouncing sentences?

A No, these judges were independent, and only, of course, under the general law. The sentence was passed by a system of balloting and the majority rule.

Q Did the SS courts use or apply the general laws, or were special laws applied?

A The SS courts had applied the same laws which were applied by the

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Wehrmacht, and it is true as to the material as well as the proceedings as such. All were under the same laws as the Wehrmacht was with the exception of a law that had been passed and issued by Hitler called the "Preserving of cleanliness."

MR. McILWRAITH: When were these courts set up?

THE WITNESS: The SS and the Police courts dated back to the 17 October 1939, when the law was passed on which ~~there~~ their founding was based. There were only a few in the course of the war that increased. Of the Waffen SS the courts increased in number up until at the end there were about seventy-five. I do not know the exact number.

BY DR. PELCKMANN:

Q You said that the laws generally prevailing were applied in the SS and Police jurisprudence. Were there not certain SS basic laws, and were these also applied in the SS and Police jurisprudence?

A The socalled SS basic laws were no laws as such in a legal sense. These basic laws were socalled "Commands for duty" that Hitler himself had proclaimed in order to insure the ethical standards of the SS. There ~~were~~ are, for example, the SS basic laws concerning the respecting of the property rights, and concerning the respecting of the religious convictions of other people, and concerning honor, etc.

Q And in summarizing, what would the distinction be between the SS courts and the Wehrmacht courts?

A There was no distinction at all. If there was any difference at all in the severity of the punishment then this was due to the fact that the basic laws which I have just mentioned called for higher ideas of duty, and placed higher callings upon the members in order to re-

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spect their duties, and, therefore, if any offense was committed, the punishment of this offense would be in relation to the requirement of the individual also more severe.

Q Could any SS and Police court punish a defendant by interning him in a concentration camp?

A No. I already said that the jurisprudence was carried out according to the laws of the general jurisprudence, and punishing by placing them into concentration camps was not within the scope of this law, therefore, the SS and Police court could not apply this punishment, and did not apply it.

MR McILWRAITH: You know the answer is simply yes or no to a simple question like that, and it need not be explained or elaborated upon, unless your counsel asked for such explanation.

BY DR PELCKMANN:

Q Was what you have just developed not just theory but of measures could you mention that would guarantee that the jurisprudence was applied in an orderly fashion, such as you have just explained?

A The certain execution of a law that was just as exact was guaranteed by the administration of the central main office of the SS courts, which first saw to it that all sentences were checked properly, thus, avoiding creating in the second instance incompetency. All offenses and crimes had to be reported to the central offices, where they were kept on file. Every proceeding that had been stopped by the court was checked as to whether the stopping was correct or not. Fourthly, there were standing committees with these courts, and other authority or authorities. This to insure that the penal jurisprudence as it was to be carried out

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by the Wehrmacht; that the people were proerly tried and punished.

Q What you have just said is in direct contradiction to the order issued by Hitler on 13 May 1941, and applying to the Barbarossa trial order in which he said that soldiers who had committed offenses against the civilian population need not be punished?

A No, this law is not in contradiction. Three points can be mentioned concerning this. First of all, there was no provision in this order that an offender was not to be punished. It ordinarily stated that it was placed at the discretion of the judge whether the person was to be prosecuted or not. This law was issued to the higher troop commanders in the east, the main office SS court did not get it at all. We did not hear of it until very much later when we were told of it by a judge in the eastern occupied territories.

MR. McILWRAITH: When was that?

THE WITNESS: Six to twelve months after the law was published. And further the courts from the east said that the judges of the SS and Police courts had stated that this law was to be applied only where the jurisprudence had formerly said that a penal action is to be taken.

MR. ELWYN-JONES: I am sorry, I did not understand that.

(Answer read by the German reporter)

MR McILWRAITH: Have not we had enough of that.

THE INTERPRETER: The courts from the east said that the judges of the SS and Police courts had said the order was only to be applied insofar as where any crimes had been committed the final prosecution was to be applied as formerly.

MR McILWRAITH: That is not firsthand evidence.

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BY DR PELCKMANN:

A In order to be quite clear on this point, I shall now quote from the testimony of von dem Bach Zilewski, page 2409 of the German record. He said,"In my opinion this order," meaning that of 13 May 1941,"Is a deterrant to any orderly conduct in battle, for troops can only be exorted to carry on orderly conduct if disciplinary action is possible."

MR. ELWYN-JONES: I wonder if the defendant's counsel would mind giving the document number for that.

DR. PELCKMANN: 2049 is the page.

MR. ELWYN-JONES: What is the document number. I am asking what is the exhibit number, of Hitler's order. I am sorry,what I am trying to find out is that you are referring to Hitler's order of May 1941,and all I want is the exhibit number.

(Answers in German)

MR MCILWRAITH: Have you the exhibit number?

THE INTERPRETER: No, he is sorry, he has not got that number.

~~MR ELWYN-JONES: Don't take this down.~~

BY DR PELCKMANN:

Q You heard the quotation. Does that not contradict your statement?

A Yes, it does. It is the exact opposite. Bach's testimony is absolutely not correct. First of all it does not correspond to the actual facts,and, secondly, it contradicts the wording of the Hitler order. This order expressly said that all offenses, and crimes committed by the soldiers must be prosecuted, if the discipline of the troops is threatened . If Bach had such strict contradiction in his territory, as he said, he should have on the basis of this order taken action against them.

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Q On the other hand Bach said in his testimony of 7 January 1946, that he never was the judge?

A That is not correct. The entire time that Bach was SS and Police Fuehrer in Russia, he was at the same time the judge. If he said that he was not, it is a sheer lie.

Q And if Bach of his own accord had been prosecuted of this excess contrary to the order, would it not then have been your duty to take action against them as one of the leading men in the central office of the SS court?

A The question must be answered with a ,no, for the reason that we did not know of any such conditions.

MR MCILWRAITH: Have you now the number of the Hitler order.

MR ELWYN-JONES: 446 PS, US 31.

MR MCILWRAITH: Thank you.

DR PELCKMANN:

Q What was the attitude of the SS court towards the religious question, for example, the question of resigning church membership, or anti-church demonstrations?

MR ELWYN-JONES: I object for the reason that the general value of the laws applied in SS jurisprudence, no SS court would ever have taken any action against any members for having resigned church membership. On the other hand, though, anti-church excesses were punished particularly severely, because as I already mentioned before, such excesses would violate only the basic SS law concerning the respect of religious beliefs of other persons. In the line of my duty numerous such excesses, such as actions that were called to my attention, I here should like to men-

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~~tion~~ only one that can be especially cited, as it was mentioned in a pastoral letter concerning a question of a rule on the bishopric of Freiberg in Breisgan. In the pastoral letter the official mentioned how severe was the punishment that was applied in this case.

Q You said that the Security Police and the SD wished to come under your jurisprudence by an order of Himmler, claiming that it was at the socalled in action order order during the war. Did this mean that at the same time he had jurisdiction over the RSHA?

A As seen from a purely formal standard the jurisdiction or jurisprudence was over the RSHA, but in reality the jurisprudence was never exercised for the following reasons: When the RSHA was placed under the SS Police court jurisdiction, Heydrich succeeded in having Himmler approve an order that any investigation of interrogations within the RSHA should be carried out solely by investigators of the RSHA. Thus, the SS and Police court were ~~were~~ prevented from having any insight into the RSHA conditions and of any penal actions that might have taken place in it. These special requirements were given with respect particularly to the secrecy of the decree issued by Hitler, according to which any official is only supposed to know as much of anything ~~that~~ as he must absolutely know in the line of his duty. This resulted in very unpleasant conditions that the Reich authority in 1942 had Heydrich ask that any investigations within the Security Police and SD should be carried out by his own organizations. Heydrich's applications here were the last time considered as an attack against the remaining legal jurisdictional system within the German Reich. This application by Heydrich was rejected by Himmler with the exception of the requirements applying to the RSHA, which resulted in fact that there was a cloak of secrecy over any

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activity within the RSHA. In practice,then, the jurisdiction of the central office of the SS court was never really carried out over the RSHA, although there were individual cases where the RSHA passed on cases in the courts for action.

MR MCILWRAITH: Have you any more questions, Dr Pelckmann?

Dr. Pelckmann: Yes, quite a few.

Mr. McIlwraith: Then I will adjourn now for 10 minutes.

(An adjournment was taken from 15.30 to 15.45)

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BY DR. PELKMANN:

Q What do you know about the Einsatz Commandants of the Security Police and SD?

A We of the SD and those of the main office of that organization never received any orders concerning these organizations as such. I do know, however, that there were such organizations of the security police and the order police in Russia in the rear lines of communication that carried out the duties usually carried out by such groups. The jurisdictional section never knew of the real commission of the Einsatz Commandos such as I have learned them to be now from the material that has been submitted here and our judicial system could not have known anything of them, for if any crimes or offenses had been begun the RSHA investigation officers, as I have already said, would have been the officers competent to carry out such investigation.

Q Was that jurisdiction or juris prudence concerned with concentration camps as one of the tasks of the SS jurisprudence?

A In principle, yes, but we have to distinguish between the three different points. The inmates of the concentration camps were under the jurisprudence of general German justice. In a series of letters and correspondence

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carried on between the main office SS Court and the Reich Minister of Justice, as late as August 1944 the Reich Minister of Justice took the view that the general German jurisprudence was their upholder of jurisprudence of concentration camps, and the so-called political departments that were under the jurisdiction of the RSHA were in the concentration camps. The investigation matters of the RSH A were applied for these departments. The Kommandantura staff members and the court members of the concentration camps were under the jurisdiction of the General SS and police courts.

Q Was the SS supposed to prosecute crimes that had been committed in the concentration camps?

A Yes, doing this work was begun in the latter part of 1943 and continued through 1944 until the end of the war but the SS and police courts did not succeed in getting to the core of the crimes that are said to be typical of the concentration camps until the close of the year 1944.

Q Will you now please depict in a general manner the steps undertaken by the SS and police jurisdiction concerning crimescommitted in concentration camps?

A In the middle of 1943 the SS and police jurisprudence happened by chance upon the crimes that had been

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committed, especially in concentration camp Buchenwald under the command of Kommandant Koch, and soon thereafter traces of these crimes spread to other concentration camps. The group of crimes brought up were becoming more and more extensive from month to month. It became evident that essentially the measures that could be applied by SS police and jurisprudence were absolutely not suitable in the prosecution of these crimes, because, as I mentioned before, the SS and police jurisprudence had no possibility of independent police prosecution and investigation. Added to this was the fact that that office alone was able to order such prosecution and was to be the sole Judge. The SS and police court system could, therefore, do very little on it's own accord. For this reason a relationship was established between the XXXXXX Reich Commissar police office and committees of experts of the Reich XXX Criminal police were sent to the different concentration camps, and with each such committee there was one SS Judge. In order to build a foundation of a State Prosecution within the SS and the police court system an essential office was established in the Central office of the SS and police court, which was to handle all of those xxxxx questions which were to arise in this respect and which was to have an equal status as that of a State Prosecutor's office. The basis of all of these proceedings were offenses of

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groups that had rules in almost all concentration camps, but in the course of time these proceedings changed more and more and finally became proceedings against man slaughter and murder. For this reason the jurisprudence of the SS, had, on account of the secrecy regulations, to proceed step by step and work very carefully and thus gradually draw out the information and overcome the resistance of the other quarters, especially as far as Pohl, and the Amt or Group "D" and the administration was concerned, and Obergruppenfuhrer Muller of the RSHA and Obergruppenfuhrer Grawitz. In all the SS and police court system developed four hundred cases, of which two hundred were decided. Five commandants of camps had been accused and two of these defendants were sentenced to death until the time of the end of the war.

DR. PEIKMANN: I should like to tell the Prosecution ahd the Commissioners that as far as this question is concerned of how difficult it was for the SS and police courts to get under the secrecy and into the secrecy of what was happening in the concentration camps I shall have a different witness. This might be of particular importance for cross examination.

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BY DR. PELKMANN:

Q What was Himmler's point of view concerning these investigations in order to give a summary here?

A In the beginning Himmler supported these measures very actively by giving corresponding orders and otherwise it never would have been possible for us to get beyond the gate of a concentration camp. In the course of the investigations Himmler suddenly became less active, but in this connection it must be said that he suffered the investigation and also the taking up of actions and proceedings. Therefore, the suspicion of having given such criminal orders were not directed against Himmler but only against these three people, Pohl, Muller and Grawitz, who tried by all means to prevent the investigation from making progress.

Q In general did Himmler promote the jurisprudence of these SS or did he oppose it?

A Himmler promoted the SS jurisdiction, alleging it was a question of educating or training the SS to be leaders. In this connection, he repeatedly intervened and gave directions.

Q And for this reason the entire SS police system saw in him, Himmler, the bearer of high idealogy?

A Thereafter, after having heard all of the evidence that has been procured and submitted we realize that Himmler was two-faced, and that he attempted to

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hide his second face successfully from the SS.

Q What can you, as a high SS and police judge say concerning the question of members of the Waffen SS being able to resign membership from the Waffen SS if they were not in agreement with the orders that had been issued?

A Resignation from the Waffen SS was absolutely impossible for any one of its members, for service in the Waffen SS was purely and legally service as it applied for any other branches of the army. The same applies to members of the Waffen SS who originally entered as volunteers for their relationship of volunteers had changed into an absolute relationship of compulsion by reason of their relationship to service in the army. Any violation or breach of this relationship would have meant a very serious crime within the Wehrmacht, that is treason, and it would have been punishable by a death sentence.

Q Did your work as an KK SS Judge enable you to gather experience and facts that would justify your assuming that SS members believe that they would have to carry out xkm criminal activities, and had to become members of a criminal organization?

A I can say from the factor of jurisprudence alone that this was impossible. The ideals of cleanliness and fighting is what had become the common goal of these SS and had become one of the first things for SS membership. For this reason they would on the contrary had to have

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been of the opinion that they belonged to an elite organization. Added to this was the fact that the individual SS members had no picture at all concerning the individual branches of the SS. The following five points prove that as far as jurisprudence of the SS is concerned quite different courts had been in existence. The General SS was an organization that had the characteristic rather of an association than of a military organization. Therefore, it was never under the jurisdiction of SS jurisprudence. Secondly, the jurisprudence had been created for the Waffen SS, that was the bearer of the arms during the entire course of the war at theforemost front. So at least the order police was an organization that existed in itself and as an organization of a pure state sector characteristic. The order police had nothing whatsoever to do with the General SS or the Waffen SS, and was only placed under the temporary jurisdiction of SS jurisprudence, because conditions of war had made this necessary. Fourth, the RSHA was enveloped by a cloak of secrecy that was impossible to penetrate and the RSHA was placed under the jurisdiction of the SS solely by an order of Himmler, but even so it was impossible to penetrate into this cloak of secrecy. Thus concentration camps were also an independent part and existed on their own and enveloped by this cloak of secrecy. The SS jurisprudence was only able to

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touch the very outside outer circle of this sphere of secrecy although it tried very hard. Inside these concentration camps a group of people had united whom we might call a counter section of the SS, and Himmler made leaders of these people to carry out his plans. Neither the individual members of the general SS nor the Waffen SS had any possibility of making an investigation of these questions or had any view on these questions, and, therefore, he would have to be of the opinion that he himself belonged to an elite organization.

Q Now, one final question. Have you as an SS Judge gained any knowledge of the fact that the SS organization was supposed to be an organization that committed cimres for which neither the party nor the government wanted to bear the responsibility. What can you say to this accusation of the Prosecution?

A The SS members as such could only see in the SS an elite organization and he could under no circumstances realize that the crimes were being committed, that those crimes that were being committed were being committed by only a very few people or by very small groups and the SS member would not have been in a position to realize this as the SS jurisprudence did not even have any chance of penetrating the cloak of secrecy that enveloped all of it. Today we are horrified to find out that Himmler has stained the honor of the SS and above all the honor of

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hundreds and tens of thousands of fallen SS men.

CROSS EXAMINATION

BY MR. ELWYN JONES:

Q Witness, you have been good enough to mention the honor of the dead SS men, you seem to have forgotten the murder of millions of human beings at the hands of Himmler and his organization. You made no sort of comment about that, you know, and I suggest that is a typical attitude of the SS man with reference to the crimes you committed?

A I know I have spoken of the honor of the fallen SS men but I have by no means forgotten the many dead and the many murdered, but as I am here on the witness stand I can only speak for that which happened within my own sector and I know that what had been committed was committed by individual persons and only the smallest groups, for which the general SS man cannot be held responsible.

Q You mention the persons in small groups, do you realize, witness, that the facts are that six million Jews, or more, were deliberately exterminated; that millions of Poles and Russians and Czechs and French and Danes and Norwegians, and we can go on to almost every country in the world where Germany established it's government and that millions of inhabitants in those countries were murdered?

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A I can only testify concerning my scope of position as a Judge, and I have, of course, learned today of what the Prosecutor has just mentioned, and I also know that the fact which the Prosecutor has mentioned has been established and cannot be disputed by me but ~~xxxxxxxxxxxx~~ ~~xxxx~~ my work within the jurisprudence shows that that which has been done stands outside the scope of this SS ~~xxxxx~~ court of jurisprudence and my testimony and the testimony concerning the organization, concerning the SS police courts and the jurisprudence has shown very clearly that the crimes were committed by individual persons and small groups standing at the very brink of the organization and not by any one or the SS in general.

Q I just want to test your own knowledge of what was going on through all of these terrible years and the terrorizing of Europe by Himmler and the SS, not only against non Germans but against Germans too. Do you know of the arrangement that was made between Himmler and ~~XXX~~ Thierach, the Minister of Justice, in September, 1942, whereby those who had already served their proper legal sentences imposed upon ~~xxxxxxxxxx~~ them by the Courts and law were to be handed over to the SS to be worked to death? I am referring to the document ~~645~~ 654 P S, Exhibit U S 128.

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A No, I don't know anything of any such agreement. I hear it today for the first time.

Q I will just read you a paragraph from this agreement.

"The delivery of anti-social elements on the execution of their sentences to the Rix Reichsfuehrer of the SS to be worked to death, persons under particular arrest, Jews, gypsies, Russians, Ukranians and Poles with more than three years sentences and Czechs and Germans of more than eight year sentences, according to the agreement, first of all anti-social elements among those just mentioned are to be handed over" -

And then the next paragraph says:

"It is agreed that in consideration of the intended answer of the government for the solution of the Eastern problem in the future Jews, gypsies, Poles, Russians and Ukranians are no longer to be judged by the Courts as far as punishment is concerned, but are to be dealt with by the Reichsfuehrer of the SS."

Have you any knowledge also of that arrangement?

A No, I have no knowledge of it. I have heard it today for the first time.

Q But you know now that those unfortunate people were in fact worked todeath and killed when they were no longer fit for work?

A I know what it says in the Prosecution material

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and in the indictment material which has been before the Court here.

Q But it is true here, is it not, what the Prosecution is saying? It is true, isn't it? You don't deny that these things are true, do you?

A No, I have not doubted it.

Q And what I am suggesting to you is that here are the highest SS authorities and the highest judicial authorities in Germany making this arrangement, and you said you know nothing about it?

A I repeat once more that I know nothing of what happened to this extent and I state it right here again that my testimony is that could have only taken place within the sector of the concentration camps, and as I have already testified it was impossible and was under very difficult circumstances for us to penetrate into the cloak of secrecy at all.

Q You said you first heard about the terrible conditions in concentration camps in 1943, is that right? Have I understood you correctly?

A I said that we gained knowledge of these crimes in the latter part of 1943 for the very first time and in the first of 1944. We had gathered our knowledge gradually and step by step, but this does not suffice in the slightest to carry out what we should like to have done.

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Q You know quite well, don't you, that the men who were guarding the concentration camps were SS men?

A Yes.

Q Why didn't you ask them what was going on?

A I did speak to members of the concentration camp guard. I was not permitted to speak to members of the commandant, that was even impossible to me, but the guards to whom I spoke never mentioned to me that any atrocities were committed in the concentration camps and on this point I should like to say that the SS and police jurisprudence received within the scope of it's activities reports on actions within the concentration camps of natural causes of death, for example, killed while trying to escape, and these factual reports sent to us from the concentration camps were so very carefully and expertly drawn up, especially as they also mentioned mal-treatment that had been punished, that we never suspected any thing criminal or illegal was going on here.

Q Are you saying you believed those reports that these victims were killed while trying to escape?

A Yes, I do, for these cases corresponded to real conditions. However, in one case that came up concerning the camp Buchenwald we did find out that the witnesses who testified that the victims had been shot while trying to escape had been supplied by the Commandant Schleicher himself, that everything the witnesses were saying, and we

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found that out during this examination.

Q Have you ever examined the death books of any of these concentration camps, witness?

A No, they were not available to us as SS jurisprudence was not competent in this branch. I already said this was the work of the Court_____ who solely and alone handled these matters. Added to this was the fact we had no suspicion at all, and we, therefore, had no occasion to check these matters.

Q When did you first join the SS?

A May 1933.

Q What did you enter then?

A In the general SS.

Q And what were your duties in that connection?

A I had no special duties to perform. I was at that time just completing my legal training, but like any other member of the SS I did my sturm duties twice a week.

Q Did you hear of the murders that were being committed by the SS in concentration camps as ~~xxxxx~~ early as 1933 and 1934?

A I knew nothing of murder when I entered the SS and learned nothing of these things in later years.

Q Because there were a number of cases, you know, that went to the courts, you know about that?

A I know of them from the indictment.

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Q Well, at any rate you couldn't have been under any illusion on the 30th of June, 1934, that murder was one of the occupations of the SS?

A On the contrary, I was convinced that after June 30th, 1934, after the Putsch had been exerted by the government that had been chosen by the people to make the system that they would proceed on the pathway of what was right.

Q You knew quite well of that action of the murder of Schleicher and his wife and a number of other people, heads of Catholic Churches, and that that action was illegal and the exercise of brute force on the behalf of the Nazi party?

A I know what was told us and we were told that the Putsch that had been exerted prevented a coup d'etat By Nordland and his group against the new head of the State that had been elected by the people, and that summary court trials had been held on this occasion and that on the other hand a few exceptions had occurred, but they were being handed over to the ordinary courts for action and to be punished, and that is what Hitler told us in a Reichstag speech. I also know that the SS did not have a hand in beating down this coup d'etat for the SS were stationed in their barracks and that Hitler himself personally started it.

Q Are you saying that the SS had nothing to do with this action, because I was just going to ask you if you murdered anybody that day, you see?

A I did not murder any one on that day and I want

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to say that I am still convinced to this very day that the SS as such had nothing to do with this coup d'etat; that a few leaders of the SS may have had a hand in it, but independently and not in cooperation with any one.

Q It may surprise you to know that this Commission has had men before it that gave details of the shootings carried out by SS men on that day?

A No, that would not surprise me, for I just said that excesses did occur after Hitler made his speech and that a number of the SS men had a hand in it.

Q Those events of June 30th, 1934, were appalling, weren't they?

A Yes.

Q I am glad you agree, because even Himmler agrees with that and I will just read you what Hitler says of the part the SS played in it. I am reading from 1918 PS, Exhibit US 170:

"Just as we did not hesitate on June 30th, 1934, to do the duty we were bidden, we stood our comrades who had done nothing against the wall and shot them. So, we have never spoken about it and will never speak about it, and just as certain was everyone he would do it the next time if such orders were issued and if it was necessary."

Do you agree with that?

A Himmler said this in a speech but he can only mean what he said for himself and his very

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closest circle surrounding him.

Q I suggest that you men of the SS would shoot any one Himmler told you to shoot?

A No.

Q What did you do from 1934 to 1939? What was your job in the SS then?

A In 1933 I became a clerk in a SS court and held this position until I passed my examination in 1943. I then became judicial collaborater with the SS courts and handle d disciplinary matters.

Q Did you serve with any unit of the Waffen SS?

A I withdrew from the General SS and entered the Waffen SS in 1939.

Q Did you serve with any Waffen SS division?

A Yes, during the war I was in Norway with two SS regiments, r egiments 5 and 6.

Q Which divisions were they?

A At that time they were not in any division. They were later known as Division North.

Q Is that the Panzer Grenadiers, Division Nordland?

A No, that is something else.

Q Did you serve with any other SS divisions?

A No, I did not do service with any other SS divisions. From there I returned to the main officers corps of the SS, which is an office of the officers of the SS.

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Q That is the main officers' corps, is it?

A Yes.

Q Were you there able to see the incoming correspondence from Himmler?

A No, I could not have any insight into the incoming correspondence. For one reason the field command office or headquarters of Himmler were far distant from our office, and Himmler had a judge of his own working on these questions and our correspondence with him went by this person.

Q Because I will show you a copy of a letter about Sauckel's slave labor program, did you ever see any of those?

A I believe that the letter you refer to is the one I had seen in an indictment, at least, that is what the program of Sauckel referred to.

Q Never mind whether you have seen it in the indictment, do you know about the slave labor in which the SS were assisting, do you know for instance this letter 744 PS, US 455, here Himmler says:

"Children, old women and men are to be collected and employed in the women's and children's camps established by me on the estates, as well as on the borders of the evacuated areas"?

A I do not remember any such letter of Himmler to the main office SS Court from my work in the SS courts.

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It is possible that this letter, or rather that decree it was of Himmler, was received by the main office SS court, and that on the distribution of this letter the different individual offices of the SS court were mentioned, but that does not mean that the main office of the SS court had anything to do with it or had any hand in it or was even informed.

Q And you wouldn't be expected to make any comment as to the relefance of this to international law?

A I cannot comment on the letter as I do not know the contents.

Q Now you have emphasized the secretness of the Waffen SS and the various branches of the whole SS organization, have you not?

A Yes.

Q I suggest to you that the whole of these organizations, the WaffenSS, the SD, the Gestapo, the RSHA, the Allgemeine SS were one great unit embodying the most fanatical elements in Nazism and represented the spearhead of Nazism under Himmler's leadership?

A I refer to the testimony I gave previously, from the sector of SS jurisprudence this concerns completely different and distinct branches.

Q I will just read to you what Himmler said about it in 1919 PS, Exhibit US 170: "It must be and so come about that this SS organization with all of it's

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branches, the general SS, which is the common basis of all of them, the Waffen SS, the regular uniformed police and order police, and the heads of the departments of our economic, administration, schooling and idealogical training, and ~~xx~~ ~~xxxx~~ the whole jobs of hundreds is also under the ten Reichsfuehrers of the SS, one block, one body and one organization."

Isn't that a true picture of the SS?

A I refer to the very first word of this notation which says that it is so and it must become so, it is not only the thinking which should be right, it must become so, but it never was so, and these thoughts were purely the thoughts of Himmler, that he had in his own brain, that some day such a union ~~xxxx~~ should come about.

Q And in the whole of that speech you see Himmler points out how the Waffen SS performs one particular function, being the most fanatical of the German armed forces, and how the SD performed it's function, in killing and murder, and how the Algemein SS was the fountain or source of the whole thing, isn't that a picture of what was going on?

A In my opinion, these are only illusions that Himmler had, and they had nothing to do with reality, as it really was.

MR. JONES: No further questions.

MR. McILWRAITH: Do you have any further questions, Dr. Pelkmann, or would you like to continue tomorrow?

DR. PELKMANN: I should like to continue tomorrow for about a half hour.

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MR. McILWRAITH: Very well, we will continue tomorrow.

(The Commission adjourned at 1700 hours)

Com A
Take 4, page 21
Cook
1530 - 1700
5 July 1946
Reinke

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The foregoing is a true and correct transcript of the testimony of DR. REINICKE taken on 5 July 1946

Charles J. Gallagher
Reporter (p 1-16)

Rodney Cook
Repprter (p 17-37)

Reporter (p)

CERTIFIED TO:

J. D. Whitcraft
Commissioner

Commissioner

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Official transcript of testimony for the defense of organizations, taken before a commission appointed by the International Military Tribunal pursuant to Paragfaph 4, of the Order of the Tribunal dated 13 March 1946.

5 July 1946

COMMISSIONER:

Mr. I. D. McILWRAITH:

The S. S.

(The Commission convened at 1400 hours)

DR. GUNTHER REINICKE, a witness, took the stand andtestified as follows:

MR. McILWRAITH: Before we start with the testimony, I have an order I would like to read, an Order on affidavits.

"The Tribunal orders that:

"1. All affidavits or interrogatories from witnesses for accused organizations will be examined by the Commissioners before their submission to the Tribunal.

"2. The following procedure will be adopted by the Commissioners in examining such affidavits or interrogatories:

"(a) Counsel for the Defense will read a summary of the affidavits or interrogatory to theCommissioners in the presence of the Prosecuti

"(b) The Prosecution shall be entitled to comment on or object to the evidence.

"(c) If the Commissioners decide that the affidavit or interrogatory is relevant in accordance with paragraph 6 of theorder of March the 13th, they shall register the original document with the General Secretary's office.

"(d) They shall submit the transcript of theproceedings before the Commission, including the summary of the affidavit or interrogatory to the Tribunal. In exceptional cases they shall make provision for the translation and circulation of the complete document.

"(e) Both the Commissions will remain in session for this purpose until further notice.

"3. The Tribunal understands that many thousands of collective affidavits have been sent to Defense Counsel by members of accused organizati

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interned in camps. Counsel should make arrangements to have these summarized by their own staffs or by members of the Organizations with legal qualifications. When summarized the original affidavits should be filed with the General Secretary's office and summaries certified by Defense Counsel submitted to the Commissioners. The Commissioners shall examine these summaries and submit them to the Tribunal."

Q Now will you stand up and repeat after me the oath, witness.

I swear by God, the Almighty and Omniscient, that I will speak the pure tiuth and will withhold and add nothing.

(The witness repeated the oath).

Q What is your fullname?

A Dr. Gunther Reinicke.

MR. McILRAITH: Dr. Pelckmann, what do you want to prove by this witness?

DR. PELCKMANN: This witness is supposed to testify concerning the question of organizations, and the activities of the SS legal organization in relation to the arrangements of all crimes committed. Further that knowledge of crimes that had been committed was not discovered until the years of 1943 and 1944 from the SS and the Jurisprudence System, and supposed to prove that contrary to the indictment of the prosecution the SS was not used for criminal purposes, with intent to commit criminal acts for a Party and the nation, and that for such purposes the Party and the Government could not, or did not want to assume responsibility.

Q What was the rank that you held, witness?

A I was Oberfuehrer and Chief of Department I of the SS Jurisprudence Main Office, and at the same time I was director of the SS Superior Court.

Q Does your rank of Oberfuehrer correspond to a high rank within the martial jurisprudence in the Wehrmacht?

A The rank of Oberfuehrer SS is not from theviewpoint of a judge, but theactivity corresponds to that of an oberst judge, to a superior judge in the Wehrmacht.

Q Where did you get your legal training?

A I concluded my legal training at the University of Munich in 1931,

by taking my first legal State examination, that of Referendar - legal consultant. In 1933I received my Doctor of Law degree at the University of Munich. In 1934, I passed my first class legal examination, receiving a cum laude that was given by thepresident of the court of Munich.

Q That means that you are qualified to hold the position of judge within the civilian administration?

A Yes.

Q Did the other SS judges have their own courts, dr did they receive their legal training in the superior courts of SS together with the regulations?

A They had no independent training as SS judges; as such there were also no independent SS schedules that trained them for judges. These judges in the SS had to have the same qualifications that any judge within the civilian administration would have had to have. The SS judges before the war either were an attorney of the State, or they had high legal officers within the general jurisprudence, or, they had been transferred from the Wehrmacht.

Q Will you please depict the development of the jurisprudence within the SS?

A Up to the beginning of thevar, it is not possible to speak of an SS own jurisprudence, as such, for the general SS wasunder thegeneral penal jurisdiction. The SS saw to it that allelements that might be eligible for arrangments of legal actions be removed from the SS, or in milder cases that they be warned of any further such activities. This right of exclusion, and of warning its members is a right that is adherent to and belongs to any legally registered organization, and this right is one of general disciplinary law; this disciplinary penal law ma[illegible]p the entire jurisprudence of the SS before theoutbreak of war.

Q What was done within the scope of these disciplinary laws in the [illegible] in order to cleanse the SS from doubtful elements?

A It was the principle of the SS that only men who had never committed any offense be allowed to be members of the SS. For this reason a registry entry of any criminal record was sent which was obtained from the office of the home town of the SS member. These excerpts taken from the files of the

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criminal defense record show whether any man had ever committed an offense or not. The offenders were then dismissed from theSS, and offenders were not allowed to be taken for membership if their registry proved that they had committed offenses. In 1934 an agreement was made between the SS corps as an idea of disciplinary accord with the Reichsministry of Justice to the effect that it was the counter duty of either organization to inform one another of any offenses or actions that come to their notice with thepurpose of thus enabling the removal of all SS men who were offenders, or of placing those who were first offenders at the disposal of the general jurisprudence system. For this purpose there was the institution of the so-called liaison officer between the SS court and the Reichsministry of Justice, to assure that the agreement between the SS and the Reichsministry of Justice would be adhered to.

Q Would it be correct to say that in speaking of these conditions now you mean the general SS?

A Along with the general SS referred to is the so-called cïvilian SS.

Q Is it correct that the Waffen SS was not created until 1940?

A Yes, that is correct.

Q And when and why was its own system of jurisprudence introduced within the SS?

A After the Polish campaign when the SS troops were used as troops as a group of its own for activity at the front, martial laws had to be placed for these troops, just as they were in existence for any of the other branches. The Wehrmacht was the main force of the Army, never the amount of the forces, and its institution of martial law was based on an order issued by the Reich Defense Counsel on 7 October 1939; therefore, it was founded on a legal basis.

Q In this regulation mention is made of a special jurisprudence of the SS. Does that mean, as maintained by the prosecution, that Himmler wanted to procure for theSS special advantages and special position sofar as penal actions were concerned?

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A. No, for in the first place this was not an order of Himmler's. It was a law passed for the SS, and for apparent units employed at the front in special means, and was to apply to these groups as it did also to the remaining branches of the Wehrmacht. The term special jurisprudence in this sense means here only the terminus technicus, and means nothing more or less than it was a special jurisprudence as seen, or distinguished from the gener German jurisprudence, therefore, the jurisprudence of the Wehrmacht martial law would also be given its term of special jurisprudence.

Q. For what circles of persons was the SS and the Police jurisprudence applicable?

A. It was not competent sofar as the general SS was concerned, because the general SS did not represent an army troop part. It was, however, applicable to Waffen SS for which this jurisprudence had to be created, and more over for police troops on special missions. In the course of the war when Germany properly became a front, Himmler declared that all German polic forces would now fall under this goal in this special jurisprudence. For the same reasons, the Security Police and the SD were also under the jurisprudenc of the SS and Police jurisprudence, because the SD was never on file or organized within the RSHA. The so-called adherence of "suite" of persons of the immediate SS leaders were also under the jurisdiction of the SS and Police jurisprudence.

Q. You said just now that one of the reasons why the SD was under the SS and Police jurisdiction was that it was carried in the organization files of the RSHA. Does this mean by amalgamating the SD into the RSHA, that the SD was not a police organization, and, therefore, under the jurisdiction of Himmler who was in charge of the organization?

A. That is correct insofar as the SD did not belong to the conception as police as a whole. I am sorry, not to the conception as SS as a whole.. The SD was further an organization of a special kind that did not have a distinct police characteristic as was organized within the RSHA. By placing the members of the RSHA under the jurisdiction of the SS, and then the jurisprudence of SD automatically fell in this catecory.

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MR. ELWYN JONES: The witness has testified to immaterial facts, and I suggest the witness be required to testify to matters material to the issues.

MR. MCILWRAITH: I do feel that all this has been said and it would be advisable if we could get something more particularly concerning the issues from this witness.

BY DR. PELCKMANN:

Q. Who belonged to the entourage of all these persons being placed under the jurisprudence of the SS and Police law when becoming members of the SS?

A. The conception of entourage has been legally designated, and means those persons who do assistant or auviliary work to the SS and Police workers by being members of the entourage they are in no way members of the SS.

Q. Can you give examples?

A. To this entourage the following categories may have belonged to the SS, front workers who did assistant work at the front, the SS auxiliary, German post office organization, and the SS girls who carried on a news and information service as was carried on in any other army of the world.

Q. Were there any female SS members at all?

A. There never were any female SS members. They could only be members of the entourage.

Q. Was the SS and Police jurisprudence also applicable to civilians?

A. Any members, not. There were only a few exceptions that were based on the legal foundation, and that applied to the entire German Army. For example, if a civilian person had committed an offense against the Army, or against the SD and the Police, then he fell under its jurisprudence, and I would like to say here that the SS and the Police jurisprudence had nothing whatsoever to do with summary court jurisprudence, as had been introduced in the police ranks by the Governor General.

Q. Do you remember any special regulation in Norway?

A. In Norway there was a special regulation. The Reichskommisar for the occupied Norwegian territories availed himself of the SS and Police judges, and used these in procedures against the civilian population, but

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that does not mean that the SS and Police court judges were a part of the Norwegian jurisprudence as such. It means that the Reichskommisar was the supreme law lord, or the supreme judicial ruler, and also as the one in Norway who had the right to grant pardons, and had merely within the scope of his rights borrowed those duties for his work.

Q. Was the jurisprudence of the SS organized differently from that of the Wehrmacht?

A. No, the organization was the same as that of the Wehrmacht. The main distinction between the civilian penal jurisprudence, as well as the martial law jurisprudence was that they did not have any investigation groups of their own, but were authorities for investigation, that is, no

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penal precedent rights.

Q. In order to be quite clear and that I understand you correctly, when you say that is like the Wehrmacht, that is, they had no penal investigation rights of its own, the SS had no penal investigation rights of its own?

A. Yes, that is correct. The penal investigation procedure is acted in the Wehrmacht by certain legal officers stationed with the troops, and that was also true of the SS.

Q. Will you please tell us very briefly how many courts there were, and how were these courts rated. Was there a supreme court, and what was the penal action taken?

A. There were about seventy five SS and Police courts in all. They produced a court for special use only, and at the head of these the higher supreme court was equivalent to the supreme court of the Reich, corresponding to the Reichskreiggericht, a Reicht superior martial court, and so that from this there was the main office SS court that saw to the administration of the entire jurisprudence of the SS and Police organizations, and had its own penal procedure measures. These courts had no relationship at all to any Party offices, or any of the affiliated organizations of the Party. It had its own independent jurisprudence.

Q. Were the judges bound to follow any orders in pronouncing sentences?

A. No, these judges were independent and only, of course, under the general law. The sentence was passed by a system of balloting and the majority rule.

Q. Did the SS courts use or apply the general laws, or were special laws applied?

A. The SS courts had applied the same laws which were applied by the Wehrmacht, and it is true as to the material as well as the proceedings as such. All were under the same laws as the Wehrmacht was with the exception of a law that had been passed and issued by Hitler called the "Preserving of Clealiness".

MR. McILWRAITH: When were these courts set up?

THE WITNESS: The SS and the Police courts dated back to the 17 October 1939, when the law was passed on which their founding was based. There were

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only a few in the course of the war that increased. Of the Waffen SS the courts increased in number up until, at the end, there were about seventy five. I do not know the exact number.

BY DR. PELCKMANN:

Q. You said that the laws generally prevailing were applied in the SS and Police jurisprudence. Were there not certain SS basic laws, and were these also applied in the SS and Police jurisprudence?

A. The so-called SS basic laws were not laws as such in the legal sense. These basic laws were co-called "Commands for Duty", that Hitler himself had proclaimed in order to ensure the ethical standards of the SS. There were, for example, the SS basic laws concerning the respecting of the property rights, and concerning the respecting of the religious convictions of other people, and concerning honor, etc.

Q. And in summarizing, what would the distinction be between the SS courts, and the Wehrmacht courts?

A. There was no distinction at all. If there was any difference at all, in the severity of the punishment, then this was due to the fact that the basic laws which I have just mentioned called for higher ideas of duty, and placed higher callings upon the members in order to respect their duties, and therefore, if any offense was committed, the punishment of this offense would be in relationship to the requirment of the individual also more severe.

Q. Could any SS and Police court punish a defendant by interning him in a concentration camp?

A. No. I already said that the jurisprudence was carried out according to the laws of the general jurisprudence, and punishing by placing them into concentration camps was not within the scope of this law, therefore, the SS and Police court could not apply this punishment, and did not apply it.

MR. McILWRAITH: Hou know, the answer is simply yes or no to a simple question like that, and it need not be explained or elaborated upon, unless your counsel asks for such explanation.

BY DR. PELCKMANN:

Q. Was what you have just developed not just a theory byt of measures could you mention that would guarantee that the jurisprudence was applied in an orderly fashion, such as you have just explained?

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A. The certain execution of a law that was just as exact was guaranteed by the administration of the central main office of the SS courts, which first saw to it that all sentences were checked properly, thus avoiding creating in the second instance incompetence. All offenses and crimes had to be reported to the central offices, where they were kept on file. Every proceeding that had been stopped by the court was checked as to whether the stopping was correct or not. Monthly, there were standing committees with these courts, and othe authority or authorities. This to insure that the penal jurisprudence as it was to be carried out by the Wehrmacht; that the people were properly tried and punished.

Q. What you have just said is in direct contradiction to the order issued by Hitler on 13 May 1941, and applying to the Barbarrossa trial order in which he said that soldiers who had committed offense against the covicilian population need not be punished?

A. No, this law is not in contradiction. Three points can be mentioned concerning this. First of all, there was no provision in this order that an offender was not to be punished. It ordinarily stated that it was placed at the discretion of the judge whether the persons was to be prosecuted or not. This law was issued to the higher troop commanders in the east, the main office SS court did not get it at all. We did not hear of it until very much later, when we were told of it by a judge in the eastern occupied territories.

MR. McILWRAITH: When was that?

THE WITNESS: Six to twelve months after the law was published. And further, the courts from the east said that the judges of the SS and Police courts had stated that this law was to be applied only where the jurisprudence had formerly said that a penal actions is to be taken.

MR. ELWYN JONES: I am sorry, I did not understand that.

(Answer read by the German reporter)

MR. McILWRAITH: Have we not had enough of that?

THE INTERPRETER: The courts from the east said that the judges of the SS and Police courts had said the order was only to be applied insofar as where any crimes had been committed, the final prosecution was to be applied as formerly.

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MR. McILWRAITH: That is not firsthand evidence.

BY DR. PELCKMANN:

A. In order to be quite clear on this point, I shall now quote from the testimony of von dem Bach Zilewski, page 2409 of the German record. He said: "In my opinion, this order," meaning that of 13 May 1941, "Is a deterrant to any orderly conduct in battle, for troops can only be exorted to carry on orderly conduct if disciplinary action is possible."

MR. ELWYN JONES: I wonder if the defendant's counsel would mind giving the document number for that?

DR. PELCKMANN: 2049 is the page.

MR. ELWYN JONES: What is the document number? I am asking what is the exhibit number of Hitler's order. I am sorry, what I am trying to find out is that you are referring to Hitler's order of May 1941, and all I want is the exhibit number.

(Answers in German).

MR. Mc.ILWRAITH: Have you the exhibit number?

THE INTERPRETER: No, he is sorry, he has not got that number.

BY DR. PELCKMANN:

Q. You heard the quotation. Does that not contradict your statement?

A. Yes, it does. It is the exact opposite. Bach's testimony is absolutely not correct. First of all, it does not correspond to the actual facts, and, secondly, it contradicts the working of the Hitler order. This order expressly said that all offenses and crimes committed by the soldiers must be prosecuted, if the discipline of the troops is threatened. If Bach had such strict contradiction in his territory, as he said, he should have on the basis of this order, taken action against them.

Q. On the other hand Back said in his testimony of 7 January 1946, that he never was the judge?

A. That is not correct. The entire time that Back was SS and Police Fuhrer in Russia, he was at the same time the judge. If he said that he was not, it is a sheer lie.

Q. And if Bacj, of his own accord had been prosecuted of this excess contrary to the order, would it not then have been your duty to take action against them as one of the leading men in the central office of the SS court?

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A. The question must be answered with a No, for the reason that we did not know of any such conditions.

MR. McILWRAITH: Have you now the number of the Hitler order?

MR. ELWYN JONES: 446 PS, US 31.

MR. McILWRAITH: Thank you.

DR. PELCKMANN:

Q. What was the attitude of the SS court towards the religious question, for example, the question of resigning church membership, or anti-church demonstrations?

MR. ELWYN JONES: I onject, for the reason that the general value of the laws applied in SS jurisprudence, no SS court would ever have taken any action against any members for having resignesd church membership. On the other hand, though , anti-church excesses were punished, particularly severely, because as I already mentioned before, such excesses would violate only the basic SS law concerning the respect of religious beliefs of other persons. In the line of my duty, numerous duch excesses, such as actions that were called to my attention, I here should like to mention

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only one that can be especially cited, as it was mentioned in a pastoral letter concerning a question of a rule on the bishopric of Freiberg in Breisgan. In the pastoral letter the official mentioned how severe was the punishment that was applied in this case.

Q You said that the Security Police and the SD wished to come under your jurisprudence by an order of Himmler, claiming that it was at the so-called in action order order during the war. Did this meanthat at the time he had jurisdiction over the RSHA?

A As seen from a purely formal standard, the jurisdiction or jurisprudence was over the RSHA, but in reality the jurisprudence was never exercised for the following reasons: When the RSHA was placed under the SS Police court jurisdiction, Heydrich succeeded in having Himmler approve an order that any investigation of interrogations within the RSHA should be carried out solely by investigators of the RSHA. Thus, the SS and Police court were prevented from having any insight into the RSHA conditions and of any penal actions that might have taken place in it. These special requirements were given with respect particularly to the secrecy of the decree issued by Hitler, according to which any official is only supposed to know as much of anything as he must absolutely know in the line of his duty. This resulted in very unpleasant conditions that the Reich authority in 1942had Heydrich ask that any investigations within the Security Police and SD should be carried out by his own organizations. Heydrich's applications here were the last time considered as an attack against the remaining legal jurisdictional system within the German Reich. This application by Heydrich was rejected by Himmler with the exception of the requirements applying to the RSHA, which resulted in fact that there was a cloak of secrecy over any activity within the RSHA. In practice, then, the jurisdiction of the central office of the SS court was never really carried out over the RSHA although there were individual cases where the RSHA passed on cases in the courts for action.

MR. MCILWRAITH: Have you many more questions, Dr. Pelckmann?

DR. PELCKMANN: Yes, quite a lot.

MR. MCILWRAITH: Then we will adjourn now for 10 minutes.

(An adjournment was taken from 1530 to 1545).

H1009-0053

BY DR. PELKMANN:

Q What do you know about the Einsatz Commandants of the Security Police and SD?

A We of the SD and those of the main office of that organization never received any orders concerning these organizations as such. I do know, however, that there were such organizations of the security police and the order police in Russia in the r. r lines of communication that carried out the duties usually carried out by such groups. The jurisdictional section never knew of the real commission of the Einsatz Commandos such as I have learned them to be now from the material that has been submitted here and our judicial system could not have known anything of them, for if any crimes or offenses had been begun the RSHA investigation officers, as I have already said, would have been the officers competent to carry out such investigation.

Q Was that jurisdiction or jurisprudence concerned with concentration camps as one of the tasks of the SS jurisprudence?

A In principle, yes, but we have to distinguish between the three different points. The inmates of the concentration camps were under the jurisprudence of General German justice. In a series of letters and correspondence carried on between the main office SS Court and the Reich Minister of Justice, as late as August 1944, the Reich Minister of Justice took the view that the General German jurisprudence was their upholder of jurisprudence of concentration camps, and the so-called political departments that were under the jurisdiction of the RSHA were in the concentration camps. The investigation matters of the RSHA were applied for these departments. The Kommandantura staff members and the court members of the concentration camps were under the jurisdiction of the General SS and police courts.

Q Was the SS supposed to prosecute crimes that had been committed in the concentration camps?

A Yes, doing this work was begun in the latter part of 1943 and continued through 1944 until the end of the war but theSS and police courts did not succeed in getting to the core of the crimes that are said to be typical of the concentration camps until the close of the year 1944.

Q Will you now please depict in a general manner the steps undertaken by the SS and police jurisdiction concerning crimes committed in concentration

H1009-0054

camps?

A In the middle of 1943 the SS and police jurisprudence happened by chance upon the crimes that had been committed, especially in concentration camp Buchenwald under the command of Kommandant Koch, and soon thereafter traces of these crimes spread to other concentration camps. The group of crimes brought up were becoming more and more extensive from month to month. It became evident that essentially the measures that could be applied by SS police and jurisprudence were absolutely not suitable in the prosecution of these crimes, because, as I mentioned before, the SS and police jurisprudence had no possibility of independent police prosecution and investigation. Added to this was the fact that that office alone was able to order such prosecution and was to be the sole Judge. The SS and police court system could, therefore, do very little on its own accord. For this reason a relationship was established between the Reich Commissar police office and committees of experts of the Reich Criminal police were sent to the different concentration camps, and with each such committee there was one SS judge. In order to build a foundation of a State Prosecution within the SS and the polic court system an essential office was established in the Central office of the SS and police court, which was to handle all of those questions which were to arise in this respect and which was to have an equal status as that of a State Prosecutor's office. The basis of all of these proceedings were offenses of groups that had rules in almost all concentration camps, but in the course of time these proceedings changed more and more and finally became proceedings against manslaughter and murder. For this reason the jurisprudence of the SS, had, on account of the secrecy regulations, to proceed step by step and work very carefully and thus gradually draw out the information and overcome the resistance of the other quarters, especially as ar as Pohl, and the Amt or Group "D" and the administration was concernd, and Obergruppenfuehrer Muller of the RSHA and Obergruppenfuehrer Grawitz. In all the SS andpolice court system developed four hundred cases, of which two hundred were decided. Five commandants of camps had been accused and two of these defendants were sentenced to death until the time of the end of the war.

DR. PELKMANN: I should like to tell the Prosecution and the

H1009-0055

Commissioners that as far as this question is concerned of how difficult it was for the SS and police courts to get under the secrecy and into the secrecy of what was happening in the concentration camps I shall have a different witness. This might be of particular importance for cross examination.

H1009-0056

BY DR. PELKMANN:

Q. What was Himmler's point of view concerning these investigations in order to give a summary here?

A. In the beginning Himmler supported these measures very actively by giving corresponding orders and otherwise it never would have been possible for us to get beyond the gate of a concentration camp. In the course of the investigations Himmler suddenly became less active, byt in this connection it must be said that he suffered the investigation and also the taking up of actions and proceedings. Therefore, the suspicion having given such criminal orders were not directed against Himmler but only against these three people, Pohl, Muller and Grawitz, who tried by all means to prevent the investigation from making progress.

Q. In general did Himmler promote the jursiprudence of these SS or did he oppose it?

A. Himmler promoted the SS jurisdiction, alleging it was a question of educating or trining the SS to be leaders. In this connection, he repeatedly intervened and gave directions.

Q. And for this reason the entire SS police system saw in him, Himmler, the bearer of high idealogy?

A. Thereafter, after having heard all of the evidence that has been procured and submitted we realize that Himmler was two-faced, and that he attempted to hide his second face successfully from the SS.

Q. What can you, as a high SS and police judge say concerning the question of members of the Waffen SS being able to reign membership from the Waffen SS if they were not in agreement with the orders that had been issued?

A. Resignation from the Waffen SS was absolutely impossible for any one of its members, for service in the Waffen SS was purely and legally service as it applied for any other branches of the army. The same applies to members of the Waffen SS who originally entered as volunteers for their relationship of volunteers had changed into an absolute relationship of compulsion by reason of their relationship to service in the army. Any violation of breach of this

H1009-0057

this relationship would have meant a very serious crime within the Wehrmacht, that is treason, and it would have been punishable by a death sentence.

Q. Did your work as an SS Junde enable you to gather experience and facts that would justify your assuming that SS members believe that they would have to carry out criminal activities, and had to become members of a criminal organization?

A. I can say from the factor of jurisprudence alone that this was impossible. The ideals of cleanliness and fighting is what had become the common goal of these SS and had become one of the first things for SS membership. For this reason they would on the contrary had to have been of the opinion that they belonged to an elite organization. Added to this was the fact that the individual SS members had no picture at all concerning the individual branches of the SS. The following five points prove that as far as jurisprudence of the SS is concerned quite different courts had been in existence. The General SS was an organization that had the characteristic rather of an association than of a military organization. Therefore, it was never under the jurisdiction of SS jurisprudence. Secondly, the jurisprudence had been created for the Saffen SS, that was the bearer of the arms during the entire course of the war at the foremost front. So at least the order police was an organization that existed in itself and as an organization of a pure state sector characteristic. The order police had nothing whatsoever to do with the General SS or the Waffen SS, and was only placed under the temporary jurisdiction of SS jurisprudence, because conditions of war had made this necessary. Fourth, the RSHA was enveloped by a cloak of secrecy that was impossible to penetrate and the RSHA was placed under the jurisdiction of the SS solely by an order of Himmler, but even so it was impossible to penetrate into this cloak of secrecy. Thus concentration camps were also an independent part and existed on their own and enveloped by this cloak of secrecy. The SS jurisprudence was only able to touch the very outside outer circle of this sphere of secrecy although it tried very hard. Inside these concentration camps a group of people had united whom we might call a counter section of the SS, and Himmler made leaders of these people to carry out his plans. Neither

H1009-0058

the individual members of the general SS nor the Waffen SS had any possibility of making an investigation of these questions or had any view on these questions, and, therefore, he would have to be of the opinion that he himself belonged to an elite organization.

Q. Now, one final question. Have you as an SS Judge gained any knowledge of the fact that the SS organization was supposed to be an organization that committed crimes for which neither the party nor the government wanted to bear the responsibility. What can you say to this accusation of the Prosecution?

A. The SS members as such could only see in the SS an elite organization and he could under no circumstances realize that the crimes were being committed, that those crimes that were being committed were being committed by only a very few people or by very small groups and the SS member would not have been in a position to realize this as the SS jurisprudence did not even have any chance of penetrating the cloak of secrecy that enveloped all of it. Today we are horrified to find out that Himmler has stained the honor of the SS and above all the honor or

H1009-0059

hundreds and tens of thousands of fallen SS men.

CROSS EXAMINATION

BY MR. ELWYN JONES:

Q. Witness, you have been good enough to mention the honor of the dead SS men, you seem to have forgotten the murder of millions of human beings at the hands of Himmler and his organization. You made no sort of comment about that, you know, and I suggest that is a typical attitude of the SS man with reference to the crimes you committed?

A. I know I have spoken of the honor of the fallen SS men but I have by no means forgotten the many dead and the many murdered, but as I am here on the witness stand I can only speak for that which happened within my own sector and I know that what had been committed was committed by individual persons and only the smallest groups, for which the general SS man cannot be held responsible.

Q. You mention the persons in small groups, do you realize, witness, that the facts are that six million Jews, or more, were deliberately exterminated; that millions of Poles and Russians and Czechs and French and Danes and Norwegians, and we can go on to almost every country in the world where Germany established it's government and that millions of inhabitants in those countries were murdered?

A. I can only testify concerning my scope of position as a Judge, and I have, of course, learned today of what the Prosecutor has just mentioned, and I also know that the fact which the Prosecutor has mentioned has been established and cannot be disputed by me byt my work within the jurisprudence shows that that which has been done stands outside the scope of this SS court of jurisprudence and my testimony and the testimony concerning the organization, concerning the SS police courts and the jurisprudence has shown very clearly that the crimes were committed by individual persons and small groups staning at the very brink of the organization and not by any one or the SS in general.

Q. I just want to test your own knowledge of what was going on through

H1009-0060

all of these terrible years and the terrorizing of Europe by Himmler and the SS, not only against non Germans but against Germans too. Do you know of th arrangement that was made between Himmler and Thierach, the Minister of Justice, in September, 1942, whereby those who had already served their proper legal sentences imposed upon them by the Courts and law were to be hande over to the SS to be worked to death? I am referring to the document 654 PS Exhibit U.S. 128.

A. No, I don't know anything of any such agreement. I hear it today for the first time.

Q. I will just read you a paragraph from this agreement.

"The delivery of anti-social elements on the execution of their sentenc to the Reichsfuehrer of the SS to be worked to death, persons under particula arrest, Jews, gypsies, Russians, Ukranians and Poles with more than three years sentences and Czechs and Germans of more than eight year sentences, according to the agreement, first of all anti-social elements among those just mentioned are to be handed over"-

And then the next paragraph says:

"It is agreed that in consideration of the intended answer of the govern ment for the solution of the Eastern problem in the future Jews, gypsies, Pol Russians and Ukranians are no longer to be judged by the Courts as far as punishment is concerned, but are to be dealt with by the Reichsfuehrer of the SS."

Have you any knowledge also of that arrangement?

A. No, I have no knowledge of it. I have heard it today for the first time.

Q. But you know now that those unfortunate people were in fact worked to death and killed when they were no longer fit for work?

A. I know what it says in the Prosecution material

H1009-0061

and in the indictment material which has been before the Court here.

Q. But it is true here, is it not, what the Prosecution is saying? It is true, isn't it? You don't deny that these things are true, do you?

A. No, I have not doubted it.

Q. And what I am suggesting to you is that here are the highest SS authorities and the highest judicial authorities in Germany making this arrangement, and you said you know nothing about it?

A. I repeat once more that I know nothing of what happened to this extent and I state it right here again that my testimony is that could have only taken place within the sector of the concentration camps, and as I have already testified it was impossible and was under very difficult circumstances for us to penetrate into the cloak of secrecy at all.

Q. You said you first heard about the terrible conditions in concentration camps in 1943, is that right? Have I understood you correctly?

A. I said that we gained knowledge of these crimes in the latter part of 1943 for the very first time and in the first of 1944. We had gathered our knowledge gradually and step by step, but this does not suffice in the slightest to carry out what we should like to have done.

Q. You know quite well, don't you, that the men who were guarding the concentration camps were SS men?

A. Yes.

Q. Why didn't you ask them what was going on?

A. I did speak to members of the concentration camp guard. I was not permitted to speak to members of the commandant, that was even impossible to me, but the guards to qhom I spoke never mentioned to me that any atrocities were committed in the concentration camps and on this point I should like to say that the SS and police jurisprudence received within the scope of it's activities reports on actions within the concentration camps of natural causes of death, for example, killed while trying to escape, and these factual reports sent to us from the concentration camps were so very carefully and expertly drawn up, especially as they also mentioned mal-treatment that had been puhished, that we never suspected anything criminal or illegal was going on here.

H1009-0062

Q. Are you saying you believed these reports that these victims were killed while trying to escape?

A. Yes, I do, for these cases corresponded to real conditions. However in one case that came up concerning the camp Buchenwald we did find out that the witnesses who testified that the victims had been shot while trying to escape had been supplied by the Commandant Schleicher himself, that everything the witnesses were saying and we found that out during this examinatio

Q. Have you ever examined the death books of any of these concentratio camps, witness?

A. No, they were not available to us as SS jurisprudence was not competent in this branch. I already said this was the work of the Court who solely and alone handled these matters. Added to this was the fact we h no suspicion at all, and we, therefore, had no occasion to check these matte

Q. When did you first join the SS?

A. May 1933.

Q. What did you enter then?

A. In the general SS.

Q. And what were your duties in that connection?

A. I had no special duties to perform. I was at that time just completing my legal training, but like any other member of the SS I did my sturm duties twice a week.

Q. Did you hear of the murders that were being committed by the SS in concentration camps as early as 1933 and 1934?

A. I knew nothing of murder when I entered the SS and learned nothing of those things in later years.

Q. Because there were a number of cases, you know, that went to the courts, you know about that?

A. I know of them from the indictment.

H1009-0063

Q Well, at any rate you couldn't have been under any illusion on the 30th of June, 1934, that murder was one of the occupations of the SS?

A On the contrary, I was convinced that after June 30th, 1934, after the Putsch had been exerted by the government that had been chosen by the people to make the system that they would proceed on the pathway of what was right.

Q You know quite well of that action of the murder of Schleicher and his wife and a number of other people, heads of Catholic Churches, and that that action was illegal and the exercise of brute force on the behalf of the Nazi party?

A I know what was told us and we were told that the Putsc that had bee n exerted prevented a coup d'etat By Nordland and his group against the new head of the State that had been elected by the people, and that summary court trials had been held on th occasion and that on the other hand a few exceptions had occurred but they were being handed over to the ordinary courts for action and to be punished, and that is what Hitler told us in a Reichsta speech. I also know that the SS did not have a hand in beating down this coup d'etat for the SS were stationed in their barracks and that Hitler himself personally started it.

Q Are you saying that the SS had nothing to do with this action, because I was just going to ask you if you murdered anybody that day, you see?

A I did not murder any one on that day and I want to say that I am still convinced to this very day that the SS as such had nothing to do with this coup d'etat; that a few leaders of the SS may have had a hand in it, but independently and not in cooperation with any one.

Q It may surprise you to know that this Commission has ha men before it that gave details of the shootings carried out by SS men on that day?

A No, that would not surprise me, for I just said that excesses did occur after Hitler made his speech and that a number

H1009-0064

of the SS men had a hand in it.

Q Those events of June 30th, 1934, were appalling, weren't they?

A Yes.

Q I am glad you agree, because even Himmler agrees with that and I will just read you what Hitler says of the part the SS played in it. I am reading from 1918 PS, Exhibit US 170:

"Just as we did not hesitate on June 30th, 1934, to do the duty we were bidden, we stood our comrades who had done against the wall and shot them. So, we have never spoken about it and will never speak about it, and just as certain was everyone he would do it the next time if such orders were issued and if it was necessary."

Do you agree with that?

Himmler said this in a speech but he can only mean what he said for himself and his very closest circle surrounding him.

Q I suggest that you men of the SS would shoot any one Himmler told you to shoot?

A No.

Q What did you do from 1934 to 1939? What was your job in the SS then?

A In 1933 I became a clerk in a SS court and held this position until I passed my examination in 1943. I then became judicial collaborator with the SS courts and handled disciplinar matters.

Q Did you serve with any unit of the Waffen SS?

A I withdrew from the General SS and entered the Waffen SS in 1939.

Q Did you serve with any Waffen SS division?

A Yes, during the war I was in Norway with two SS regime regiments 5 and 6.

Q Which divisions were they?

A At that time they were not in any division. They were later known as Division North.

H1009-0065

Q Is that the Panzer Grenadiers, Division Nordland?

A No, that is something else.

Q Did you serve with any other SS divisions?

A No, I did not do service with any other SS divisions. From there I returned to the main officers corps of the SS, which is an office of the officers of the SS.

Q That is the main officers' corps, is it?

A Yes.

Q Were you there able to see the incoming correspondence from Himmler?

A No, I could not have any insight into the incoming correspondence. For one reason the field command office or headquarters of Himmler were far distant from our office, and Himmler had a judge of his own working on these questions and our correspondence with him went by this person.

Q Because I will show you a copy of a letter about Saucke slave labor program, did you ever see any of those?

A I believe that the letter you refer to is the one I had seen in an indictment, at least, that is what the program of Sauckel referred to.

Q Never mind whether you have seen it in the indictment, do you know about the slave labor in which the SS were assisting, do you know for instance this letter 744 PS, US 455, here Himmler says:

"Children, old women and men are to be collected and employed in the women's and children's camps established by me or the estates, as well as on the borders of the evacuated areas"?

A I do not remember any such letter of Himmler to the main office SS Court from my work in the SS courts.

It is possible that this letter, or rather that decree it was of Himmler, was received by the main office SS court, and that on the distribution of this letter the different individual offices of the SS court were mentioned, but that does not mean that the main office of the SS court had anything to do with it or was even informed.

H1009-0066

Q And you wouldn't be expected to make any comment as to the relevance of this to international law?

A I cannot comment on the letter as I do not know the contents.

Q Now you have emphasized the secretness of the Waffen SS and the various branches of the whole SS organization, have you not?

A Yes.

Q I suggest to you that the whole of these organizations, the Waffen SS, the SD, the Gestapo, the RSHA, the Allegemeine SS were one great unit embodying the most fanatical elements in Nazism and represented the spearhead of Nazism under Himmler's leadership?

A I refer to the testimony I gave previously, from the sector of SS jurisprudence this concerns completely different and distinct branches.

Q I will just read to you what Himmler said about it in 1919 PS, Exhibit US 170: "It must be and so come about that this SS organization with all of it's branches, the general SS, which is the common basis of all of them, the Waffen SS, the regular uniformed police and order police, and the heads of the departmer of our economic, administration, schooling and idealogical training, and the whole jobs of hundreds is also under the ten Reichsfuehrers of the SS, one block, one body and one organization."

Isn't that a true picture of the SS?

A I refer to the very first word of this notation which says that it is so and it must become so, it is not only the thinking which should be right, it must become so, but it never was so, a nd these thoughts were purely the thoughts of Himmler, that he had in his own brain, that some day such a union should come about.

Q And in the whole of that speech you see Himmler points out how the Waffen SS performs one particular function, being the

H1009-0067

most fanatical of the German armed forces, and how the SD performe it's function, in killing and murder, and how the Algemein SS was the fountain or source of the whole thing, isn't that a picture of what was going on?

A In my opinion, these are only issusions that Himmler had, and they had nothing to do with reality, as it really was.

MR. JONES: No further questions.

MR. McILWRAITH: Do you have any further questions, Dr. Pelckmann, or would you like to continue tomorrow?

DR. PELCKMANN: I should like to continue tomorrow for about a half hour.

MR. McILWRAITH: Very well, we will continue tomorrow.

(The Commission adjourned at 1700 hours.)

The foregoing is a true and correct transcript of the testimony of DR. REINICKE taken on 5 July 1946.

Charles J. Gallagher
Reporter

Rose W. Cook
Reporter

CERTIFIED TO:

I. D. McIlwraith
Commissioner